

EXHIBIT A

**IN THE CIRCUIT COURT OF SHELBY COUNTY TENNESSEE FOR
THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS, SHELBY COUNTY**

BRIAN ALLEN,

Plaintiff,

Vs.

NO. CT-00 -17

Div. _____

**RICHARD JAMES SIMMONS, JR.,
JHT HOLDING, INC and/or
UNIMARK TRUCK TRANSPORT, LLC,**

JURY DEMANDED

Defendants.

C O M P L A I N T

**TO THE HONORABLE JUDGES OF THE CIRCUIT COURT OF TENNESSEE
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS, SHELBY
COUNTY:**

Come now the Plaintiff, Brian Allen, and sue the Defendants, Richard James Simmons, Jr., JHT Holdings, Inc, and/or Unimark Truck Transport, LLC, for the sum FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) damages, actual and compensatory, and for cause of action alleges:

1. Plaintiff, Brian Allen, is a resident of Memphis, Shelby County, Tennessee residing at 7264 Peppermill Lane, Memphis, Tennessee 38125.
2. Defendant, Richard James Simmons, Jr resides at 8064 US Hwy 64 90W, Taylorville, NC 38681-7141.

This Defendant may be served through the Secretary of State for the State of Tennessee under the Long Arm Statute T.C.A. 20-2-203 et seq. The Defendant being non

-resident of the State of Tennessee. Defendant, Unimark Truck Transport, LLC, is a foreign corporation and may be served through their agent for service at CSC-Lawyers Incorporating Service Company located at 221 Bolivar Street, Jefferson City, MO 65101.

This Defendant may be served through the Secretary of State for the State of Tennessee under the Long Arm Statute T.C.A. 20-2-203 et seq. The Defendant being non-resident of the State of Tennessee.

The Defendant, JHT Holdings, Inc, is a foreign corporation and may be served through their agent for service at Corporation Service Company, 8040 Excelsior Drive, Madison, WI 53717.

This Defendant may be served through the Secretary of State for the State of Tennessee under the Long Arm Statute T.C.A. 20-2-203 et seq. The Defendant being non-resident of the State of Tennessee.

3. This is a lawsuit for personal injuries, pain and suffering, loss of income and earning capacity, medical expenses, loss of enjoyment of life, property damage, diminution in value and loss of use as a result of an accident that occurred on July 22, 2016 in Memphis, Shelby County, Tennessee at or near the intersection of I-40, 1 mile west of Sycamore View Road. At the hereinabove-described time and place, Plaintiff was traveling in his automobile from the entrance ramp to enter I-40 when the Defendant, Richard James Simmons, Jr. swerved his vehicle to the right cutting off Plaintiff from entering the interstate, striking with the right rear tire the left front of Plaintiff's vehicle, thereby causing the accident in question to occur. The Defendant, fled the scene. Plaintiff pulled in front of

the Defendant and forced him to stop his vehicle and called the Memphis Police officers to the scene.

Jurisdiction of this cause of action lies with the Circuit Court of Shelby County, Tennessee.

4. The Defendant, Richard James Simmons, Jr., failed to maintain a safe lookout at said intersection, thereby causing the accident in question to occur. Plaintiff alleges that he had the right-of-way at the time the accident occurred. Plaintiff would further state that the direct and proximate cause of the accident in question was the negligence of the Defendant, Richard James Simmons, Jr. Plaintiff, Brian Allen, alleges that he did nothing to contribute to the accident in question and is not guilty of any comparative fault in this case, and it was the negligence of the Defendant, Richard James Simmons, Jr., in the operation of his motor vehicle which was the direct and proximate cause of the accident in question and injuries sustained by the Plaintiff, Brian Allen. Any negligence that the Defendant, Richard James Simmons, Jr., should be found guilty of should be imputed to the Defendant, JHT Holdings, Inc, and/or Unimark Truck Transport, LLC, under the theory of **Respondeat superior**.

5. Plaintiff further alleges that the Defendant, Richard James Simmons, Jr. violated one, some, or all of the following acts of common law negligence, and as a result of same was the direct and proximate cause of the accident in question and injuries sustained by Plaintiff;

- a. Failure to maintain proper control of his vehicle;
- b. Failure to keep a proper lookout ahead;

- c. Failure to pay full time and attention to operating his vehicle;
- d. Speeding;
- e. Reckless driving;
- f. Failure to maintain a safe lookout
- g. Leaving the scene of the accident.

6. Plaintiff alleges that the following City Ordinances of the City of Memphis were in full force and effect at the time and place the hereinafter-alleged accident occurred, and that the Defendants violated one, some, or all of same and as a result thereof, was the direct and proximate cause of the accident in question and injuries sustained by the Plaintiff, Brian Allen. Said City Ordinances being set out as follows:

Section 21-87. DUTY TO DEVOTE FULL TIME AND ATTENTION TO OPERATING VEHICLE. It shall be unlawful for a driver of a vehicle to fail to devote full time and attention to operating such vehicle when such failure, under the then existing circumstances, endangers life, limb, or property.

Section 21-88. DUTY TO DRIVE AT SAFE SPEED, MAINTAIN LOOKOUT, AND KEEP VEHICLE UNDER CONTROL. Notwithstanding any speed limit or zone in effect at the time, or right of way rules that may be applicable, every driver shall:

- 1) Operate his vehicle at a safe speed;
- 2) Maintain a safe lookout;
- 3) Use due care to keep his vehicle under control.

Section 23-106. GENERAL SPEED RESTRICTIONS
It shall be unlawful for any person to drive a vehicle upon the streets of this city at a speed greater than thirty-five (35 miles per hour)

Section 21-128. RECKLESS DRIVING.

Any person who drives any vehicle in a willful or wanton disregard for the safety of person or property is guilty of reckless driving.

7. Plaintiff further alleges that there were in full force and effect certain State Statutes of the State of Tennessee and that the Defendant, Richard James Simmons, Jr., violated one, some, or all of said State Statutes and as a result of same was the direct and proximate cause of the accident in question and injuries sustained by the Plaintiff, Brian Allen, and Nino Prince.

T. C. A. 55-8-136. DRIVERS TO EXERCISE DUE CARE.

Notwithstanding the foregoing provisions of this chapter, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution.

T. C. A. 55-8-142. TURNING MOVEMENTS.

a) No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in Section 55-8-140, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway, unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner provided in Sections 55-8-143 and 55-8-144 in the event any other traffic may be affected by such movement.

T.C.A. 55-10-205. RECKLESS DRIVING.

(a) Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

8. Plaintiff further alleges that the Defendant was the direct and proximate cause of the accident in question and as a result of same Plaintiff, Brian Allen, sustained very serious and painful personal injuries throughout her entire body, that is more fully set out hereinafter;

- a. Cervical sprain/strain;
- b. Hypolordosis;
- c. Cephalgia;
- d. Cervicalgia;
- e. Lumbar sprain/strain;
- f. Lumbalgia;
- g. Pain and suffering.

Plaintiff alleges that the above are only illustrative of the injuries that he sustained in the accident and do not include all of said injuries and the extent of same.

9. Plaintiff further alleges he has incurred numerous medical expenses as a result of treatment of injuries sustained in the accident in question and will incur future medical expenses to treat said injuries, and sue for any and all medical expenses past, present and future associated with treatment of injuries sustained in the accident in question.

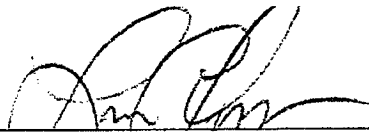
10. Plaintiff alleges that as a direct and proximate result of the heretofore described negligent acts of the Defendants, Plaintiff has sustained a loss of income and/or earning capacity.

11. Plaintiff further alleges that he sustained great pain and suffering and loss of enjoyment of life as a result of the injuries and sues for same.

13. Plaintiff at the time of the accident in question was the owner of a 2003 GMC Yukon automobile and said vehicle was damaged in the accident in question and Plaintiff sues for any and all property damage, diminution in value and loss of use.

WHEREFORE, Plaintiff, Brian Allen sues for personal injuries, pain and suffering, medical expenses, loss of income and earning capacity, property damage, diminution in value, loss of use, prejudgment interest, loss of enjoyment of life and any other damages allowable under Tennessee law and sues said Defendants, Richard James Simmons, Jr. JHT Holdings, Inc, and/or Unimark Truck Transport, LLC, for the sum of FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) and demands a jury to try the issues when joined.

Respectfully Submitted,



Louis P Chiozza, Jr. #8871
230 Adams Avenue
Memphis, TN 38103
(901) 526-9494

(CIRCUIT/CHANCERY) COURT OF TENNESSEE
140 ADAMS AVENUE, MEMPHIS, TENNESSEE 38103
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

ELECTRONICALLY FILED
2017 Jul 20 3:33 PM
CLERK OF COURT

SUMMONS IN CIVIL ACTION

Docket No. CT-00307917

☒ Lawsuit
☐ Divorce

Ad Damnum \$ _____

Brian Allen

vs

Robert James Simmons, Jr.
JHT Holding, Inc. and/or
Unimark Truck Transport, LLC.

Plaintiff(s)

Defendant(s)

TO: (Name and Address of Defendant (One defendant per summons))

Method of Service:

JHT HOLDINGS, INC
CORPORATION SERVICE COMPANY
8040 EXCELSIOR DRIVE, SUITE 400
MADISON, WI 53717

This Defendant may be served through the Secretary of State for the State of Tennessee under the Long Arm Statute T.C.A. 20-2-203 et seq. The Defendant being non -resident of the State of Tennessee.

- ☐ Certified Mail
☐ Shelby County Sheriff
☐ Commissioner of Insurance (S)
☒ Secretary of State (S)
☐ Other TN County Sheriff (S)
☐ Private Process Server
☐ Other

(\$ Attach Required Fees

You are hereby summoned and required to defend a civil action by filing your answer with the Clerk of the Court and

serving a copy of your answer to the Complaint on LOUIS P. CHIOZZA, JR

Plaintiff's

attorney, whose address is 230 ADAMS AVENUE, MEMPHIS, TN 38103

telephone 901-526-9494

within THIRTY (30) DAYS after this summons has been served upon you, not including the day of service. If you fail to do so, a judgment by default may be taken against you for the relief demanded in the Complaint.

JIMMY MOORE, Clerk / DONNA RUSSELL, Clerk and Master

TESTED AND ISSUED

7-20-17

By

D.C.

TO THE DEFENDANT:

NOTICE; Pursuant to Chapter 919 of the Public Acts of 1980, you are hereby given the following notice:

Tennessee law provides a ten thousand dollar (\$10,000) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the Clerk of the Court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed. These include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible and school books. Should any of these items be seized, you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

FOR AMERICANS WITH DISABILITIES ACT (ADA) ASSISTANCE ONLY, CALL (901) 222-2341

I, JIMMY MOORE / DONNA RUSSELL, Clerk of the Court, Shelby County, Tennessee, certify this to be a true and accurate copy as filed this

7-20 2017

JIMMY MOORE, Clerk / DONNA RUSSELL, Clerk and Master

By

D.C.

RECEIVED
CLERK OF COURT
JUL 26 AM 8:44
SHELBY COUNTY
JUDICIAL DISTRICT
AT MEMPHIS

RETURN OF SERVICE OF SUMMONS

I HEREBY CERTIFY THAT I HAVE SERVED THE WITHIN SUMMONS:

By delivering on the _____ day of _____, 20____ at _____ M. a copy of the summons

and a copy of the Complaint to the following Defendant _____

at _____

Signature of person accepting service

By: _____
Sheriff or other authorized person to serve process

RETURN OF NON-SERVICE OF SUMMONS

I HEREBY CERTIFY THAT I HAVE NOT SERVED THE WITHIN SUMMONS:

To the named Defendant _____

because _____ is (are) not to be found in this County after diligent search and inquiry for the following

reason(s): _____

This _____ day of _____, 20_____.

By: _____
Sheriff or other authorized person to serve process



The Shelby County, Tennessee Circuit Court

Case Style: BRIAN ALLEN VS RICHARD SIMMONS JR

Case Number: CT-003079-17

Type: SUMMONS ISSD TO MISC

A handwritten signature in black ink, appearing to read "Carter", is written over a circular stamp that is partially visible on the left.

Ms Sheri C Carter, DC

Electronically signed on 07/21/2017 07:47:23 AM



Tre Hargett
Secretary of State

Division of Business Services
Department of State
State of Tennessee
312 Rosa L. Parks AVE, 6th FL
Nashville, TN 37243-1102

JHT HOLDINGS INC
AKA/POE: CORPORATION SERVICE COMPANY
SUITE 400
8040 EXCELSIOR DRIVE
MADISON, WI 53717

07/27/2017

RE: BRIAN ALLEN

VS: ROBERT JAMES SIMMONS JR, JHT HOLDING INC AND/OR UNIMARK TRUCK TRANSPORT
LLC

Notice of Service

The enclosed process, notice or demand is hereby officially served upon you by the Tennessee Secretary of State pursuant to Tennessee law. Please refer to the process, notice or demand for details concerning the legal matter. If you have any questions, please contact the clerk of the court that issued the process, notice or demand.

The process, notice or demand may have a court date and time that you must appear to defend yourself or the number of days from the date of service by which you are required to file an answer. Failure to appear in court at the time specified or failure to file an answer in the given time could result in a default judgement being rendered against you for relief sought in the lawsuit.

The Secretary of State's office cannot give you legal advice. If you need legal advice, please consult a private attorney.

Tre Hargett
Secretary of State

Enclosures: Original Documents

DOCUMENT INFORMATION

SOS Summons # : 04585342
Case #: CT-003079-17
Certified #: 70170530000018871796

Business Services Division
Secretary of State Tre Hargett

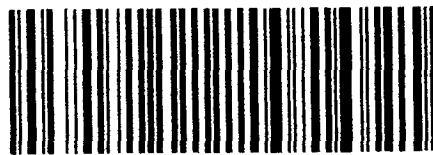


State of Tennessee

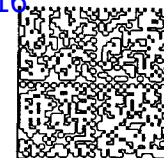
312 Rosa L. Parks Avenue, 6th Floor
Nashville, Tennessee 37243-1102

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

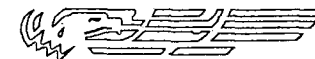
CERTIFIED MAIL



7017 0530 0000 1887 1796



U.S. POSTAGE PITNEY BOWES



ZIP 37243 \$ 007.50⁰
02 4W
0000336983 JUL 28 2017

JHT HOLDINGS INC
SUITE 400
8040 EXCELSIOR DRIVE
: CORPORATION SERVICE COMPANY
MADISON, WI 53717

